

Application No. 09/266,202

REMARKS

Claims 1-5, 7-9 and 25-30 are pending. All of the pending claims stand rejected. Applicants respectfully request reconsideration of the rejections based on the following remarks.

Rejection Over Takada

The Examiner rejected claims 1-5, 7-9 and 25-30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,200,680 to Takeda et al. (the Takeda patent). In particular, the Examiner asserts that the Takeda patent teaches zinc oxide particles with an average particle size of 5 nanometers to 100 nanometers with a particle size variation of 30 %. With all due respect, there is some confusion regarding the disclosure of the Takeda patent. Applicants respectfully request reconsideration of the rejection based on the following comments.

The Examiner's analysis is based on mixing the properties of **two different** particulate materials. The Takeda patent describes forming zinc oxide fines using a solution-based approach. See, for example, column 23, lines 16-21. These zinc oxide particles are then formed into **zinc oxide-polymer composite particles**. See column 25, lines 17-24. These **composite particles** do comprise zinc oxide, but they have an **average particle size from 0.1 to 10 microns**. This is outside of Applicants claimed average particle size. It is the **composite particles** that have a "coefficient of particle size variation being not more than 30%, particularly not more than 15%." See column 25, lines 25-36. While this particle size variation may or may not meet the criteria specified in Applicants' claims, this is not relevant due to their average particle size outside of the claimed range. Therefore, the **composite particles** disclosed in the Takeda patent do not prima facie anticipate Applicants' claimed invention. The Takeda patent does **NOT** describe this particle size uniformity with respect to the fines having an average particle size from 5 nm to 100 nm. **It is NOT appropriate to mix the average particle size of**

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the zinc oxide fine particles with the particle size uniformity of the zinc oxide-polymer composite particles since these are distinct materials.

The Takeda patent does not teach zinc oxide particles with an **average particle size** of less than about 95 nanometers **and a particle size uniformity** with a distribution of particle sizes such that at least 95 percent of the particles have a diameter greater than about 40 percent of the average diameter and less than about 160 percent of the average diameter. Therefore, the Examiner simply has not presented a case for prima facie anticipation of Applicants' claimed invention based on the Takeda patent. Since the Takeda patent does not prima facie anticipate Applicants' claimed invention, Applicants respectfully request withdrawal of the rejection of claims 1-5, 7-9 and 25-30 under 35 U.S.C. § 102(e) as being anticipated by the Takeda patent.

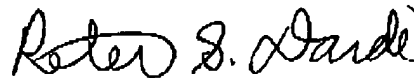
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CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is asked to telephone the undersigned if the Examiner believes that the Application is not in condition for allowance.

Respectfully submitted,



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